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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,268	08/29/2001	Helen Ann Holder	10016648-1	7255

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EXAMINER
GONZALEZ, JULIO C

ART UNIT	PAPER NUMBER
2834	

DATE MAILED: 05/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/941,268	HOLDER ET AL.	
	Examiner	Art Unit	
	Julio C. Gonzalez	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 March 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☒ The proposed drawing correction filed on *14 March 2002* is: a)☐ approved b)☒ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the heat generating source driving a prime mover as disclosed in claim 3, the solar cell disclosed in claim 4, the wind turbine disclosed in claim 5, the flywheel apparatus disclosed in claim 13 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. See MPEP 608.02 (d), (e).

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-13 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to

enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 discloses a self-contained, non-renewable power generation module, yet in the remarks filed on 3/17/02, the flywheel is disclosed to be used as a storage energy source when the power generation module does not provide sufficient power. If the power generation module is self-contained, then why the need of an extra storage energy (flywheel, cells)? If the power generation module is non-renewable then it would seem like if the power is renewable since when the power is not enough, a flywheel is used (Remarks, page 3, lines 23-26). Does the power module function in the state of needing the flywheel or another source of energy? Or does the power module renews/recharges to function without the need of another energy source (flywheel)?

What specifically is meant by a self-contained, non-renewable? It may seem like if the power generator would not need maintenance since it is self-contained and the claim may disclose a perpetual source of energy since it is non-renewable or the output energy is greater than the input energy since the energy consumed does not affect the device since it is non-renewable.

The claim disclose using several means for producing electricity (e.g. solar cell, wind turbine, flywheel), but does not describe how the components producing

electricity will be incorporated to the invention or what modifications to the invention have be done since using a flywheel or solar cells are two complete different means for producing electricity and incorporating such devices to an invention involves modification to an invention. Using a solar cells, wind turbines and a flywheel are completely different types of sources of energy that would require a power supply to have modifications. No structure is shown in the drawings nor any explanation is given in the specifications as to how such devices of energy can be incorporated with a power generation module.

A DC generator functions differently from the disclosed sources of energy in claims 2-4 (fuel cell, heat generating source and solar cells). Are the cells and the heat source part of a DC generator or are the cells and the heat source the DC generator? It may seem like if such cells and heat source are indeed the DC generator.

Also, how would a heat generating source be incorporated to the invention? What is producing electricity, the heat generating source or the retrofittable power supply? The specifications explain the used of cells for generating electricity, but does not provide as to how the components are incorporated. It seems like if the invention is a "black box" with an input (DC voltage) and an output (desk top computer).

In order to advance prosecution in the merits, the Prior Art will be applied as best understood by the examiner.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 6, 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diaz et al in view of Atcitty et al.

Diaz et al discloses a power supply device with a housing with a form factor equal to that of a wired power supply device (see figures 13, 14) and an AC power output connection (see figure 13).

However, Diaz does not disclose using DC power generator or a DC/AC converter.

On the other hand, Atcitty et al discloses for the purpose of maximizing the efficiency of AC sources, a DC generator 12 been used in conjunction with an AC source and an DC/AC converter 26 (see figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design a power supply as disclosed by Diaz and to modify the invention by using a DC generator for the purpose of maximizing the efficiency of AC sources as disclosed by Atcitty.

6. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over claims Diaz et al and Atcitty as applied to claims 1 and 6 above, and further in view of Vaidyanathan.

The combined power supply discloses all of the limitations above. However, the combined power supply does not disclose the type of battery been used.

On the other hand, Vaidyanathan et al discloses for the purpose of delivering high amount of energy and permitting the battery to be hermetically sealed, a rechargeable proton fuel cell.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined power supply as disclosed above and to modify the invention by using proton fuel cell for the purpose of delivering

high amount of energy and permitting the battery to be hermetically sealed as disclosed by Vaidyanathan et al.

7. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diaz et al and Atcitty et al as applied to claims 1 and 6 above, and further in view of Hsu et al.

The combined power supply discloses all of the limitations above. However, the combined power supply does not disclose using a heat source.

On the other hand, Hsu et al discloses for the purpose of increasing the overall power efficiency in a gas turbine and electrochemical converter that a heat generating source in combination with fuel cells is used (see figure 3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined power supply as disclosed above and to modify by using a heat generating source for the purpose of increasing the overall power efficiency in a gas turbine and electrochemical converter as disclosed by Hsu et al.

8. Claims 4, 5, 9, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diaz et al and Atcitty et al as applied to claims 1 and 6 above, and further in view of ordinary skill in the art.

The combined power supply discloses all of the limitations above.

The combined power supply discloses the claimed invention except for using a wind generator, solar cell or a flywheel. It would have been an obvious matter of design choice to use such sources of energy, since applicant has not disclosed that the using a wind generator, solar cell or flywheel solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with fuel cells.

Response to Arguments

Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio C. Gonzalez whose telephone number is (703) 305-1563. The examiner can normally be reached on M-F (8AM-5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

NESTOR RAMIREZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Jcg

May 21, 2002